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EXAMINER

GRAYSAY, TAMARA L

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p><b>Office Action Summary</b></p>	<b>Application No.</b> 09/863,613		<b>Applicant(s)</b> KASAJIMA ET AL.	
	<b>Examiner</b> Tamara L. Graysay		<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☐ Responsive to communication(s) filed on \_\_\_\_.

2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-13 is/are rejected.

7) ☐ Claim(s) \_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☒ All    b) ☐ Some \*    c) ☐ None of:

1. ☒ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 1 page.

4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification (at page 5) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the examiner cited the references on form PTO-892, they have not been considered.
2. The listing of information on applicant's Information Disclosure Citation form under the OTHER DOCUMENTS heading did not accurately reflect the information that was filed. The four pages that have not been received have been lined through, so that the five pages that have been received (101, 104, 108, 112, and 114) are included in the listing.

### ***Drawings***

3. The drawings are objected to
  - a. because the lead line for reference character L in Fig.1 is not directed to the Internet (note Fig.2 which correctly denotes the Internet L);
  - b. because reference character 3 in Fig.2 lacks a required lead line;
  - c. because the Y/N designation at steps 108, 110, and 112 do not depict what is described at page 16 of the specification (for example, if there is remote control (i.e., remote control? Yes), then the condition is displayed; however, in Fig.6 if there is not remote control, then the condition remote control/status is displayed);

- d. because the Y/N designations at steps 202, 205, 208, and 211 do not depict what is described in the specification (for example, if an emergency call is received (i.e., emergency call? Yes), then it is reported to the public organ; however, in Fig.9 if an emergency call is not received, then the public organ is noticed);
- e. because figures 12 and 14 depict the communication terminal 9 separate from the dwelling management server 5; however, the description at page 23, last paragraph, describes the dwelling management server 5 comprises a communication terminal 9 in the user's dwelling;
- f. because the term home server 5 is used in some of the drawing figures, however, the specification terminology is dwelling management server 5;
- g. because the description of Fig. 14 at page 26, penultimate line, mentions database 2a, however, database 2b is depicted in Fig. 14;
- h. as failing to comply with 37 CFR 1.84(p)(1) because reference characters 1, 2, and 3 (Fig.13) and reference characters 1, 2, 3, 4, and 5 (Fig. 14) are encircled;
- i. as failing to comply with 37 CFR 1.84(p)(4) because reference character "1" has been used to designate:
- the multi-functional communication terminal 1
  - the send line between the center management server 8 and the program P (Fig.13), and
  - the send line between the living equipment 3 and the home server 5 (Fig.14);
- j. as failing to comply with 37 CFR 1.84(p)(4) because reference character "2" has been used to designate:
- the power information panel board 2
  - the send line between the user information and center management server 8 (Fig.13), and

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- the send line between the user record data D and the center management server 8 (Fig.14);

h. as failing to comply with 37 CFR 1.84(p)(4) because reference character "3" has been used to designate:

- the facility and equipment 3
- the send line between the user information and center management server 8 (Fig.13), and
- the send line between the center management server 8 and the user database 2b (Fig.14);

i. as failing to comply with 37 CFR 1.84(p)(4) because reference character "4" has been used to designate:

- the send line between the center management server 8 and the home server 5 (Fig.14), and
- the send line between the user database 2b and the center management server 8 (fig.14);

j. as failing to comply with 37 CFR 1.84(p)(4) because reference character "5" has been used to designate:

- the dwelling management server 5, and
- the send line between the center management server 8 and the report R (Fig.13).

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feed control line led out from the power information integration panel board, as recited in claim 13, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one

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figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Specifically, it is unclear what is meant by "for use in same system." The following title is recommended: Method and system for offering customer information and advertising service to specific users utilizing a communication network via a multi-functional terminal.
6. The abstract of the disclosure fails to comply with 37 CFR 1.72(b) because it exceeds 150 words. Correction is required. See MPEP § 608.01(b).
7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
8. The disclosure is objected to because of the following informalities:

- a. Page 18, line 13, "dwelling service server 1" is inconsistent with the dwelling management server 5, and service server 6, as recited at page 18, lines 1-2 and as depicted in Fig.7. Similarly, at page 21, the penultimate line, the inconsistent term "dwelling service server 1" is also recited.
- b. Regarding the description of figure 12: at page 23, the term "communication terminal 9" appear to be the same element as "multi-functional network terminal 1" because the description reads, "dwelling management server 5" comprising a communication terminal 9 ... is equipped in a user's house." Moreover, at figures 12 and 14, page 24, lines 21-23, and page 27, lines 1-2, the term "communication terminal 9" and "communication terminal 7' " appear to be the same element because the description reads, "communication terminal 9 of each manufacturer supplying the living facilities and equipment 3" and "communication terminal 7' equipped for the manufacturer contracting with the center management server 8" Applicant is requested to review the disclosure and all of the drawings to ensure that each element is referred to using the consistent terminology and reference character.
- c. The elements "center management server 8" and "service server 6" are described as having the same features in both Figures 7 and 12. Applicant is requested to review the disclosure and all of the drawings to ensure that each element is referred to using the consistent terminology and reference character.
- d. The last sentence on page 24 contains a grammatical error.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claim 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claims 1-13, the phrases "or the like," "and the like," and "like the Internet" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

b. Claims 8, 11, and 12, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

c. Claim 8, line 5, "the dwelling management servers" does not have clear antecedent basis in the claim because there is only one dwelling management server recited in antecedent.

d. Claim 9 (a multiple dependent claim), line 6, recites the limitation "the information;" however, there are numerous "information" recited in antecedent. For example, use actual result, visual, visual display, advice, attribute, request, service, monitoring, and diagnostic.

e. Claim 9, lines 8-9, "said use actual result database" does not have clear antecedent basis in the claim.



f. Claim 4, line 16, "watches" is not clear as to its meaning as recited in the claim.

The language is not the same as the language used in the specification with regard to the various embodiments. Similarly, the claim is not clear as to what is meant by "constantly watching" and how it relates to the "and sends" process being performed by the system.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Byford (cited by applicant, GB-2333169-A).

a. Regarding process claims 1-3, Byford discloses, at page 6, a method for offering customer information service comprising the steps of: monitoring equipment at a dwelling management server (interface program 25 of the client 20); automatically sending monitoring information to a service server (fault identity of appliance 10 is received by the interface program 25 and the browser 27 connects with the Internet); and, receiving monitoring information, selecting service information (web pages accessed via a prepared list accessed via an index key), and sending back visual display of the service information (web page including diagnostic information for the technician) to the dwelling management server (client 20) associated with the equipment (appliance 10).

Byford includes the attribute information and operation information, as broadly recited. Namely, the equipment fault identity (appliance 10) and associated network address.

b. Regarding claims 4-6, Byford discloses, at page 6, a system for offering customer information service comprising a dwelling management server (client 20); a service server (web server 40); wherein the dwelling management server and service server are configured as set forth in claims 4-6 and as discussed with regard to claims 1-3 above.

c. Regarding claim 7, the dwelling management server (client 20) is a multi-functional communication terminal unit in that it sends and receives information. In particular, it receives fault identity information in one format, sends it over the Internet, and receives visual web pages in another format in response.

11. Claims 1-7, 9, and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chen (US-5533609).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vizard (article, Intelligent devices meet the Internet).

Vizard discloses the method for offering customer information service comprising the steps of: monitoring equipment at a dwelling management server (monitoring the performance of business device and anticipate its failure p.32, c.2); automatically sending monitoring information to a service server (AT&T services, for example); and, receiving monitoring information, selecting service information (customer variations to basic device p.32, c.2), and sending back the service information (downloading the customer variations p.32, c.2) to the dwelling management server associated with the equipment. Vizard discloses the monitoring and service method is not only for business products, but also for home products and industrial equipment.

Although Vizard does not explicitly discuss the monitoring information, it is inherent in Vizard that the information would have to include attributes of the device. Further Vizard does not explicitly discuss the use of a management server, however, it is inherent in the method of Vizard that a server of some type is included either with the monitoring system, or the equipment so that monitoring information can be sent and downloading information can take place.

Vizard lacks visual display of the service information.

13. Claims 4, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chaco (US-5465082).

Chaco discloses a system offering customer information service to specific customers (hospital patients for example) comprising: a dwelling management server (210) for monitoring information (status of a call button or medications dispensed) on living facilities (the patient in the hospital); service server (320) for offering customer information service (a nurse attending to

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the patient); wherein the dwelling management server (210) constantly watches (i.e., inherently on when a patient is present) and sends monitoring information (a nurse-call signal) immediately when a change occurs (signal sent upon activation by the patient) and at specified time intervals when there is no change (i.e., the server 210 is always on and sends no signal if the nurse-call signal is not activated), and wherein the service server (320) selects service information from among different kinds prepared in advance (for example, the nurse responds audibly) directly, the nurse contacts a doctor, the nurse dispatches an aide), and sends back service information to the dwelling management server as audio information (nurse replies over intercom).

Chaco lacks the send back service information as visual display information.

The examiner takes Official notice that one of routine skill in the communications art would utilize visual display information in circumstances where audio information is not appropriate. For example, for those who have diminished or impaired hearing or so as not to disturb others by using an audible signal. In the field of communications, the use of visual display is well known and the advantages are clear when communicating with persons who have diminished or impaired hearing and with persons who do not want to be overheard.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chaco to send visual display information, rather than audible, in order to accommodate patients who would not hear an audible signal and to avoid disturbing a patient's roommate.

Regarding claims 6 and 8, the service server (320) sends needed advice information when the nurse responds to the patient activating the emergency calling signal sent via the emergency

call device (nurse-call button). It is inherent in Chaco that the system includes attribute information, as broadly recited, for example, the location of the patient.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US-5553609) in view of Mikurak (US-6606704).

Chen lacks means for executing a program to prepare a market trend investigation report and for sending the report to a manufacturer "or the like."

Mikurak teaches collecting data and preparing trend reports (Fig.20) for use in evaluating the level and quality of service in the service industry.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chen to include means for executing a program to prepare a market trend investigation report and for sending the report to an appropriate party, like a service quality management review team, such as taught by Mikurak, in order to analyze the data and determine the level and quality of service provided by the home health care service.

15. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (US-5553609).

Chen discloses an indoor network rather than a power supply network including a feed control line.

Vizard teaches using a power supply network and feed control line developed by AT&T.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chen to substitute a power supply network for the indoor network of Chen, as an alternative source for connecting the equipment throughout the network.


***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (703) 305-1918. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Tamara L. Graysay  
Examiner  
Art Unit 3623